

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL DENTON,

Plaintiff,

v.

PASTOR, PATTI JACKSON, CHARLA
JAMES-HUTCHISON, CARUSO, KATHI
MILLER, S JONES, ANDY POWELL, R
VANCLEAVE, MARVIN SPENCER, B
DAVIS,

Defendants.

No. 3:16-CV-05314-RJB-DWC

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation (Dkt. 41).
- (2) Defendants' Motion to Dismiss (Dkt. 26) is granted-in-part and denied-in-part as follows:
 - a. Plaintiff's due process claim alleged against Defendants Hutchinson and Caruso remains in this case;
 - b. Plaintiff's First Amendment claim alleged against Defendants Pastor and Spencer remains in this case;
 - c. Plaintiff's failure to protect claim is dismissed from this action; and
 - d. Defendants Jackson, Jones, Davis, Miller, Powell, and Vancleave are dismissed from this action.

1 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for
2 Defendants, and to the Hon. David W. Christel.

3 **DATED** this 13th day of October, 2016.

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6 ROBERT J. BRYAN
7 United States District Judge
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